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BOOK REVIEWS.

QUESTIONED DOCUMENTS. A Study of Questioned Documents with an Outline of Methods by which the Facts may be Discovered and Shown. By Albert S. Osborn. With an Introduction by Professor John H. Wigmore. Rochester, N. Y.: The Lawyer's Co-Operative Publishing Co. 1910. pp. xxiv, 501.

Much may be expected of a book which comes vouched for by Professor Wigmore, and Mr. Osborn in no wise disappoints such expectations. To say that his is by far the best book upon the subject in English is inadequate praise.

The dogmatism of many really competent experts, the obvious limitations of the crude empiricism of bank tellers, the extravagances of graphologists, and the unhappy operation of over-technical rules of evidence in many jurisdictions, which preclude the use of sufficient data on which to base a sound conclusion, have given rise to a distrust of expert evidence as to writings which to-day is not justified. Mr. Harris's account of the expert in handwriting, written, it is fair to say, over thirty years ago, but unaltered in the current edition of *Hints on Advocacy*, has no application to the fair, temperate, and reasoned statement of what may and what may not be discovered and determined with respect to the authorship and authenticity of documents which Mr. Osborn has given us. Modern experimental psychology has furnished a sure foundation, confirmed in its application to handwriting by abundant experimentation and experience, and the ingenuity of the optician has provided standard instruments giving results that speak for themselves to the layman as well as to the expert. The author's chief insistence is upon sound reasons that may be made clear to the trier of fact. He holds rightly that opinions, of themselves, are of comparatively small moment. The function of the expert is to assist in getting at the truth, and he may do this most effectively by being able to give and allowed to give reasons which can be apprehended by and will appeal to the common sense of the trier. Judges who have discretion to exercise in the admission of evidence and particularly in permitting the use in court of modern scientific appliances and appellate judges who still restrict the witness and counsel to documents in the cause for other purposes, should read and ponder the discussion of those points. In proportion as the reasons may not be gone into fully and the opinion may not be given upon and tested by adequate standards, the investigation ceases to be of real utility.

Practicality in the best sense of the term characterizes the entire work. It is evident that the author has read and reflected upon the kindred branches of learning that lay a foundation for or contribute to his subject. But there are no *a priori* discussions. Descriptions and illustrations of the instruments and appliances at the command of the expert with detailed explanations as to the use of them, a full collection of illustrations from litigated cases, and illustration of every point as to characteristics of handwriting by numerous examples had from everyday letter-writing bring the points home effectively to the ordinary reader. Withal, what is not usual in a scientific work, the book is very readable.

On page 441 a curious error, perhaps not unnatural in a New Yorker, makes it appear that a recent trial at *nisi prius* in Wisconsin was before a Justice of the Supreme Court.

R. P.

ETHICAL OBLIGATIONS OF THE LAWYER. By Gleason L. Archer. Boston: Little, Brown and Company. 1910. pp. 367.

The scope of this book is stated thus in the preface: "This volume enters into every question of professional deportment that can ordinarily confront

the lawyer. It does not lay down platitudes and commands without the reasons therefor, but discusses each proposition, pointing out the why and wherefore of the rule. It is practical. It enters into details. It takes up each detail concretely and solves it, instead of passing it over with a flourish of general language that means nothing definite to the reader."

This promise of practical treatment the author makes good, as witness his injunction to the lawyer addressing a public gathering to "shake some other chestnut tree than that labelled 'rascality of lawyers'"; or his warning against permitting the office air to be polluted by "the villainous aftermath of cigarette smoking"; or his recommendations that "leaving the office door ajar is a commendable practice" as a "suggestively cordial and emboldening" invitation to enter the office, and that since "law books are all alike to the ordinary client, so far as his estimate of value is concerned," the lawyer should arrange those which he has "in the most imposing array possible."

As will be gathered, no historical or philosophical treatment of the subject is attempted, but the book contains much sensible and wholesome advice.

The form of the volume is attractive, and the author has done the profession a service by printing in the appendix not only the canons of ethics adopted by the American Bar Association, but also David Hoffman's delightful and inspiring Resolutions.

THE PRINCIPLES OF INTERNATIONAL LAW. By T. J. Lawrence, M.A., LL.D.
Fourth Edition, revised and rewritten. Boston: D. C. Heath. 1910.
pp. xxi, 745.

Since the publication of the first edition of Dr. Lawrence's book in 1895 the succession of events such as the Spanish-American, the South African, and the Russo-Japanese Wars, the Hague Conferences of 1899 and 1907, and the International Naval Conference of 1908-1909 has furnished abundant new material. The editions since 1895 have embodied some of this new material. In the third edition supplementary chapters were printed in an appendix. This fourth edition is, however, thoroughly revised and rewritten. Of course, the historical treatment has not been greatly changed. There has been some condensation in matter and form. In spite of this, the number of pages has increased by more than sixty. Old subjects receive new treatment. Dr. Lawrence calls attention to the doctrine of "equality of all independent states" which "seems breaking up before our eyes." It is doubtful whether a favorable reception will be given to Dr. Lawrence's proposal to give the name *client states* "to all those international persons who are obliged to surrender habitually the conduct of their external affairs to any degree, great or small, to some state authority external to themselves." For such entities the terms "protectorate" and "suzerainty" have probably been too long recognized to be set aside. New topics such as *condominium* and leased territory are discussed. Dr. Lawrence calls this "an age that is about to add warfare in the air to warfare on land and warfare at sea."

The entire revision and the introduction of a large amount of new material brings Dr. Lawrence's book up to date while retaining the well-known excellent features of the earlier editions.

G. G. W.